

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Darell Anderson,	:	
	:	
Petitioner(s),	:	
	:	Case Number: 1:05cv584
vs.	:	
	:	District Judge Susan J. Dlott
Alan Lazaroff, Warden, Madison	:	
Correctional Institution,	:	
	:	
Defendant(s).	:	

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Timothy S. Hogan. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on August 23, 2006 Report and Recommendations (Doc. 7). Subsequently, the Petitioner filed objections to such Report and Recommendations (Doc. 8).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Accordingly, Petitioner's Motion for "Stay and Abeyance" (Doc. 5) is DENIED.

Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1), as supplemented (Doc. 3), is DENIED with prejudice.

A certificate of appealability will not issue with respect to Petitioner's claims for relief, which this Court has concluded are waived and thus barred from review on procedural grounds, because "jurists of reason would not find it debatable as to whether this Court is correct in its

procedural rulings” under the first prong of the applicable two-part standard enunciated in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).

With respect to any application by Petitioner to proceed on appeal *in forma pauperis*, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this order adopting this Report and Recommendation is not taken in “good faith,” and therefore DENIES Petitioner leave to appeal *in forma pauperis* upon a showing of financial necessity. *See* Fed.R.App.P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6<sup>th</sup> Cir. 1997).

IT IS SO ORDERED.

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s/Susan J. Dlott  
Susan J. Dlott  
United States District Judge